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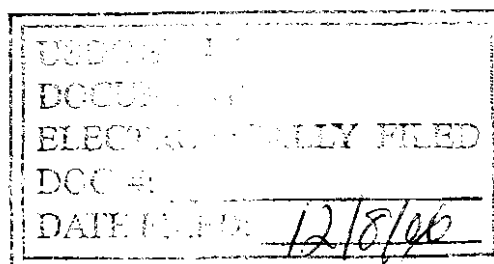
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MEMO ENDORSED

December 6, 2006

VIA FACSIMILE 212-805-4258

Honorable Debra C. Freeman
United States Magistrate Judge
United States Courthouse
40 Centre Street, Room 631
New York, New York 10007



Re: 105 Street Associates, LLC v. Greenwich Insurance Company
05 CV 9938 (VM) (DCF)

Dear Magistrate Judge Freeman:

Counsel for all parties jointly submit this letter request pursuant to instructions from Chambers.

Your Memorandum and Order of November 7, 2006 directed Defendant to produce certain documents and directed that the parties schedule the deposition of Michael Barnaba of Defendant "to take place following the production of these documents." The fact discovery cutoff is December 7, 2006, limited to specified permissible discovery.

Defendant offered to produce Mr. Barnaba on either December 1 or December 6, 2006. After Mr. Barnaba's deposition was scheduled for December 1, 2006 in Philadelphia, on November 28, 2006 in another case Plaintiff's counsel received an Order to Show Cause with a TRO seeking a preliminary injunction, returnable December 1, 2006 in Brooklyn, the same time when the Barnaba deposition had been scheduled for.

Plaintiff's counsel immediately advised Defendant's counsel. The December 6 date previously offered for Mr. Barnaba's deposition was no longer convenient for Mr. Barnaba. Subject to your approval, the parties have agreed to reschedule the deposition of Mr. Barnaba for December 29, 2006.

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All other discovery has proceeded according to schedule.

Accordingly, we write to request an extension of the discovery cutoff to December 31, 2006 for the deposition of Mr. Barnaba.

We thank you for your time and attention to this matter.

Respectfully submitted,

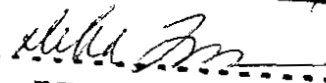


Donald F. Schneider

DFS/gk

Cc: Glenn Fuerth, Esq. (via e-mail)

SO ORDERED: DATE: 12/8/06

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DEBRA FREEMAN

UNITED STATES MAGISTRATE JUDGE